

### Remarks

This Amendment is in response to the Office Action dated **January 15, 2009**. The Office Action rejected claims 1-9, 10 and 12-23 under 35 USC § 102(e) over von Oepen (WO 98/35634 or US Pat. No. 6,193,747); and rejected claim 8 under 35 USC § 103(a) over von Oepen.

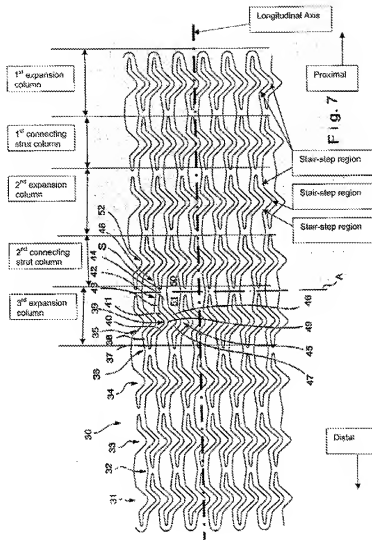
Claim 1 is herein amended to provide additional clarity. In light of the foregoing amendments and following comments, Applicant requests reconsideration.

### Claim Rejections – Section 102

The Office Action rejected claims 1-9, 10 and 12-23 under 35 USC § 102(e) over von Oepen. This rejection is *traversed*. Von Oepen fails to satisfy all of the elements claimed in independent claim 1. Therefore, Applicants request withdrawal of the rejection.

Von Oepen does not disclose: (1) a “first connecting strut proximal section ... having a longitudinal axis”; (2) a “first connecting strut distal section ... having a longitudinal axis”; (3) a “longitudinal axis of each first expansion strut”; (4) a “longitudinal axis of each second expansion strut”; (5) “at least one of the longitudinal axis of each of the proximal section and the longitudinal axis of each of the distal section being parallel with at least one of the longitudinal axis of each first expansion strut and a longitudinal axis of each second expansion strut”; (6) “at least a portion of the proximal section of each first connecting strut extending from a portion of the stair-step region of one of the first expansion struts”; (7) “at least a portion of the distal section of each first connecting strut extending from a portion of the stair-step region of one of the second expansion struts.”

The Office Action’s annotated drawing of von Oepen’s Figure 7, shown below depicts a longitudinal axis of the stent, not longitudinal axes of expansion struts and connecting strut portions, as is claimed. Therefore, Applicant is unable to see how the annotated drawing satisfies all of the claimed limitations.



The Advisory Action dated March 24, 2009, states that “[i]n a broadest reasonable sense, the Examiner interpreted the longitudinal axis recited in the claim as the longitudinal axis of the cylindrical stent because this axis is a common longitudinal axis of all elements of the cylindrical stent.”

In response, claim 1 has been amended to provide additional clarity. Applicants request that the terms of the claims be interpreted in light of the specification, as required by MPEP § 2111.

Beyond Von Oepen failing to disclose the elements discussed in Applicants Response to the Final Office Action, dated February 25, 2009, Von Oepen further fails to disclose a stent wherein “at least a portion of the proximal section of each first connecting strut extending from a portion of the stair-step region of one of the first expansion struts, at least a

portion of the distal section of each first connecting strut extending from a portion of the stair-step region of one of the second expansion struts,” as is claimed in claim 1.

Specifically, von Oepen fails to disclose a portion of a connecting strut extending from a portion of the stair-step region of an expansion strut. Given the Office Action’s characterization of the first expansion column, first connecting strut column, and stair-step regions, von Oepen is incapable of satisfying the claimed limitation. Von Oepen characterizes the alleged connecting struts as “legs 37.” Column 4, line 47. As shown below, the alleged connecting struts (legs) of the alleged first connecting strut column extend from adjacent “legs,” not from the regions identified in the Office Action as stair-step regions.

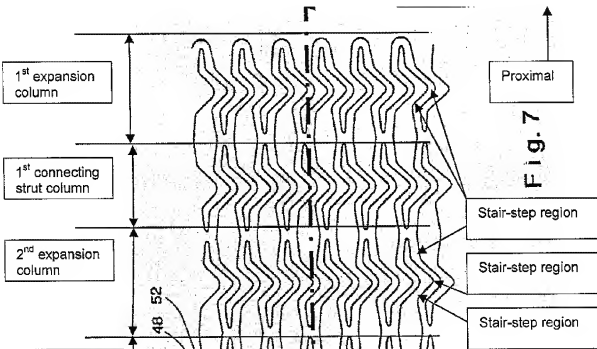


Figure 5 of the immediate application is shown below for reference. As depicted therein, at least a portion of the proximal section 100 of each first connecting strut 104 extending from a portion of the stair-step region of one of the first expansion struts 53.

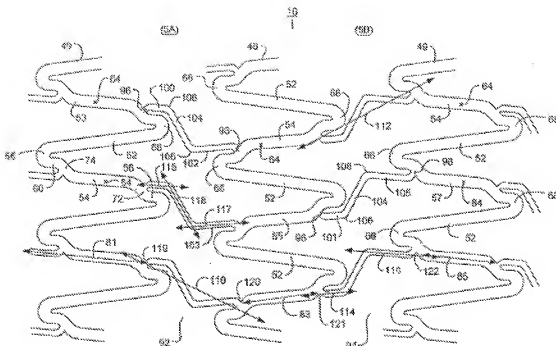


FIG. 5

In sum, von Oepen at least fails to disclose a stent wherein “at least one of the longitudinal axis of each of the proximal sections and the longitudinal axis of each of the distal sections being parallel with at least one of the longitudinal axis of each first expansion strut and a longitudinal axis of each second expansion strut,” and also fails to disclose “at least a portion of the proximal section of each first connecting strut extending from a portion of the stair-step region of one of the first expansion struts.”

As von Oepen fails to disclose at least the aforementioned claimed elements, Applicant requests withdrawal of the rejection of independent claim 1.

Additionally, Applicant requests withdrawal of the rejection of dependent claims 2-10 and 12-23. Claims 2-10 and 12-23 are patentable for at least the reasons discussed with respect to independent claim 1.

### Claim Rejections – Section 103

The Office Action rejected claim 8 under 35 USC § 103(a) over von Oepen. This rejection is *traversed*. As discussed above, von Oepen fails to teach or suggest all of the elements claimed in independent claim 1. As claim 8 indirectly depends from claim 1, dependent claim 8 is patentable over von Oepen for at least the reasons discussed above with

respect to claim 1, and Applicant requests withdrawal of the rejection.

**Conclusion**

For at least the reasons presented above, Applicants submit that the application is in condition for allowance. Favorable consideration and early action to that effect are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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